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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,915	02/06/2004	Peter Shintani	40000-0049 (50T5649.01)	8856

7590 06/15/2007
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EXAMINER

LEE, PING

ART UNIT	PAPER NUMBER
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2615

MAIL DATE	DELIVERY MODE
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06/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/774,915	SHINTANI ET AL.	
	Examiner	Art Unit	
	Ping Lee	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 20 and 35-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitation "said test tone measurement" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 36 recites the limitation "said content distributor" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 37 recites the limitation "said user interface" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 35 recites the limitation "said system communication medium" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9, 11, 14-20, 24, 26-33 and 38-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Shdema et al (hereafter Shdema) (US 2002/0072816 A1).

Regarding claims 1, 3-5, 38, 43 and 47, Shdema discloses a network comprising:

an audio signal producing device (to 126);

a content distributor, comprising a modulator, communicatively coupled to said audio signal producing device (para. 0029);

a router (108);

a network communication medium (116) communicatively coupling said content distributor and said router; and

a plurality of addressable loudspeakers (114s) communicatively coupled to said network communication medium;

wherein each of said addressable loudspeakers are configured to function as a network peripheral in said network.

Regarding claims 2, 16, 17, 26, 39-42 and 44-46, said addressable loudspeaker further comprises:

a modem communicatively coupled to said network communication medium (although not clearly shown, it is inherently included);

a signal amplifier (164 as in Fig. 4) communicatively coupled to said modem; and

a speaker (166 as in Fig. 4 for example) communicatively coupled to said signal amplifier;

wherein said modem is configured to be assigned a unique network identification (para. 0029).

Regarding claims 6, 7, 18-20, 31 and 32, Shdema discloses that each of the addressable loudspeakers further comprising a microphone and transmitting the measured test tone to audio signal producing device (122) (para. 0087).

Regarding claims 8 and 9, Shdema shows a stereo receiver (para. 0043 and 0055).

Regarding claims 11 and 24, Shdema shows a wireless based medium (coupled to 110 and or/ Wireless Blue-Tooth format).

Regarding claim 14, Shdema shows the user interface and the user defined parameters (para. 0035 and 0038).

Regarding claim 15, although clearly shown, the user inherently could select OFF mode for the speaker(s) not being selected.

Regarding claims 27-31 and 33, Shdema discloses each and every limitation in the body of the claim. An intended use (a surround sound system) clause found in the preamble of an apparatus claim is not afforded the effect of a distinguishing limitation unless the body of the claim sets forth structure which refers back to, is defined by, or otherwise draws life and breadth from the preamble. See *In re Casey*, 152 USPQ 235 (CCPA 1967); *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951). Thus, a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. See *Kropa v. Robie*, *supra* at 480; *Ex parte Mott* 190 USPQ 311, 313 (PTO Bd. of App. 1975).

Regarding claims 48-50, the IP as disclosed in Shdema inherently included header (para. 0029).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 10, 12, 13, 21-23, 34 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shdema in view of Inagaki (US 7,099,483 B2).

Regarding claims 10, 21-23, 34, and 51, Shdema fails to show a power line based network medium. Shdema teaches a general network without providing and limiting the specific type of the network medium. Inagaki teaches a power line based network medium which enables the user to easily connect a plurality of speakers to the

network without setting up any additional cables for connection between the speakers and the network controller and providing reliable signal transmission comparing to wireless connection. Thus, it would have been obvious to one of ordinary skill in the art to modify Shdema in view of Inagaki by utilizing a power line based network medium for these advantages.

Regarding claim 12, Inagaki teaches that the speakers can be placed at different rooms (col. 3, lines 55-56)

Regarding claim 13, Inagaki shows the surround sound configuration.

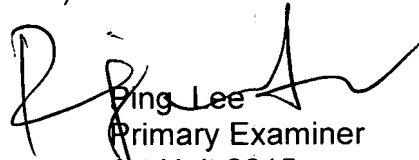
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ping Lee whose telephone number is 571-272-7522.

The examiner can normally be reached on Monday, Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Ping Lee
Primary Examiner
Art Unit 2615

pwl